

DOCKET NO. D-2006-020-2

DELAWARE RIVER BASIN COMMISSION

Discharge to a Tributary of Special Protection Waters

**Paradise Stream Resort
Wastewater Treatment Plant
Paradise Township, Monroe County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by Prosser Laboratories, Inc. on behalf of Paradise Stream Resort, on October 3, 2011 (Application), for renewal of a wastewater treatment plant (WWTP) approval. Draft National Pollutant Discharge Elimination System (NPDES) Permit No. PA0061115 for the discharge was issued by the PADEP on May 16, 2012.

The Application was reviewed for approval under Section 3.8 of the *Delaware River Basin Compact*. The Monroe County Planning Commission has been notified of pending action. A public hearing on this project was held by the DRBC on July 11, 2012.

A. DESCRIPTION

1. **Purpose.** The purpose of this docket is to renew the approval of the docket holder's existing 0.05 million gallons per day (mgd) Paradise Stream Resort WWTP.
2. **Location.** The Paradise Stream Resort WWTP is located off of PA Route 940 approximately 0.2 miles west of the intersection with PA Route 390, in Paradise Township, Monroe County, Pennsylvania. The WWTP will continue to discharge treated wastewater to Paradise Creek, which is a tributary to the Brodhead Creek at River Mile 213 - 13.7 - 7.7 (Delaware River - Brodhead Creek - Paradise Creek). The WWTP discharge is located in the drainage area to the Middle Delaware Special Protection Waters (SPW) area.

The WWTP outfall is located in the Paradise Creek Watershed as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001	41 ° 07' 40"	75 ° 18' 29"

3. **Area Served.** The existing WWTP will continue to serve the Paradise Stream Resort.

For the purpose of defining the Area Served, sections B (Type of Discharge) and D (Service Area) of the docket holder's Application are incorporated herein by reference, to the extent consistent with all other conditions contained in the DECISION Section of this docket.

4. **Physical Features.**

a. **Design Criteria.** The docket holder's 0.05 mgd WWTP treats domestic sanitary wastewater through an activated sludge treatment process.

b. **Facilities.** The WWTP treatment facilities consist of a 30,000 gallon flow equalization tank, two 25,000 gallon extended aeration tanks, two clarifiers, chlorine disinfection, and a post aeration tank.

The docket holder's wastewater treatment facility discharges to waters classified as SPW and is required to have available emergency power. The Paradise Stream WWTP has a generator installed capable of providing emergency power supply. (SPW)

The docket holder's wastewater treatment facility is not staffed 24 hours per day; however staff is available 24 hours per day at the Paradise Stream Resort. (SPW)

The docket holder's existing wastewater treatment facility has prepared and implemented an emergency management plan (EMP) in accordance with Commission requirements. (SPW)

The docket holder's existing wastewater treatment facility is not required to provide "Best Demonstrable Technology" (BDT) as a minimum level of treatment.

Wasted sludge will continue to be hauled off-site by a licensed hauler for disposal at a (State approved) facility.

The project facilities are not located in the 100-year floodplain.

c. **Water Withdrawals.** The potable water supply in the project service area is provided by an onsite well. The well is operated at a withdrawal rate below the DRBC review threshold.

d. **NPDES Permit / DRBC Docket.** The PADEP issued draft NPDES Permit No. PA006115 on May 16, 2012, which includes final effluent limitations for the project discharge of 0.1 mgd to surface waters classified by the PADEP as HQ-CWF (High Quality – Cold Water Fishery). Note: The WWTP's hydraulic design capacity is 0.05 mgd; however, the effluent

limitations in the NPDES permit were determined using a flow of 0.1 mgd. The PADEP indicated that basing the effluent limits on a discharge rate of 0.1 mgd is continued from a previous NPDES permit. This renewal docket (No. D-2006-020-2) approves the 0.05 mgd discharge (See Findings Section). The following average monthly effluent limits are among those listed in the NPDES permit and meet or are more stringent than the effluent requirements of the DRBC.

EFFLUENT TABLE A-1: DRBC Parameters Included in NPDES permit.

OUTFALL 001 (Discharge to Paradise Creek)		
PARAMETER	LIMIT	MONITORING
CBOD5	20.0 mg/l (85% Removal*)	As required in the NPDES permit
Total Suspended Solids	30.0 mg/l	As required in the NPDES permit
Ammonia – N (5/1 – 10/31)	3.0 mg/l	As required in the NPDES permit
Ammonia – N (11/1 – 4/30)	9.0 mg/l	As required in the NPDES permit
Fecal Coliform	200/100 ml as geometric average	As required in the NPDES permit
pH (Standard Units)	6 to 9 at all times	As required in the NPDES permit
Dissolved Oxygen	Minimum of 6.0 mg/l	As required in the NPDES permit
Total Phosphorous	1.0 mg/l	As required in the NPDES permit

* DRBC Requirement

EFFLUENT TABLE A-2: DRBC Parameters Not Included in NPDES permit.

OUTFALL 001 (Discharge to Paradise Creek)		
PARAMETER	LIMIT	MONITORING
Nitrate – Nitrite – N	Monitor & Report Only	One per quarter
Total Dissolved Solids *	1,000 mg/l *	One per quarter

* See Condition II.r. in the Decision Section

B. FINDINGS

The docket holder submitted an Application to renew the approval of the existing Paradise Stream Resort WWTP on October 3, 2011. This docket (D-2006-020-2) renews the DRBC approval. The existing WWTP's hydraulic design capacity is 0.05 mgd; however, the previous DRBC docket (No. D-2006-020-1) approved the existing WWTP at a design capacity of 0.1 mgd, based on information provided in the NPDES permit. This renewal docket (No. D-2006-020-2) updates the DRBC approval to reflect the actual hydraulic capacity of 0.05 mgd.

The docket holder does not have effluent water quality data for the time period of 1988 to 1992. However, the facility operates at the same flow and function ability as it did at the time of SPW designation. Annual data as required under Condition II.d. of this docket will be utilized to prepare grandfathered load values on the renewal of this docket.

In 1992, the DRBC adopted Special Protection Waters requirements, as part of the DRBC Water Quality Regulations (WQR), designed to protect existing high water quality in applicable areas of the Delaware River Basin. One hundred twenty miles of the Delaware River from

Hancock, New York downstream to the Delaware Water Gap has been classified by the DRBC as SPW. This stretch includes the sections of the river federally designated as "Wild and Scenic" in 1978 -- the Upper Delaware Scenic and Recreational River and the Delaware Water Gap National Recreation Area -- as well as an eight-mile reach between Milrift and Milford, Pennsylvania which is not federally designated. The SPW regulations apply to this 120-mile stretch of the river and its drainage area. (Middle SPW)

On July 16, 2008, the DRBC approved amendments to its WQR that provide increased protection for waters that the Commission classifies as SPW. The portion of the Delaware River and its tributaries within the boundary of the Lower Delaware River Management Plan Area was approved for SPW designation and clarity on definitions and terms were updated for the entire program. (Middle SPW)

Article 3.10.3A.2.e.1). and 2). of the *Water Quality Regulations, Administrative Manual - Part III*, states that projects subject to review under Section 3.8 of the Compact that are located in the drainage area of Special Protection Waters must submit for approval a Non-Point Source Pollution Control Plan that controls the new or increased non-point source loads generated within the portion of the applicant's service area which is also located within the drainage area of Special Protection Waters. The service area of the docket holder is located within in the drainage area to the Special Protection Waters. Since this project does not entail additional construction and expansion of facilities and/or service area (i.e., there are not any new or increased non-point source loads associated with this approval), the non-point source pollution control plan requirement is not applicable at this time. Accordingly, Special Condition II.n. has been included in the Decision section of this docket.

At the WWTP discharge location, Paradise Creek has an estimated seven-day low flow with a recurrence interval of ten years of 0.35 mgd (0.54 cfs). The ratio of this low flow to the designed wastewater discharge (0.05 mgd / 0.08 cfs) from the facility is 7:1.

The nearest surface water intake of record for public water supply downstream of the project discharge is the Brodhead Creek Regional Authority's intake on the Brodhead Creek, which is located approximately 17 miles downstream from the docket holder's WWTP discharge.

The project does not conflict with the Comprehensive Plan and is designed to prevent substantial adverse impact on the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

The limits in the NPDES Permit are in compliance with Commission effluent quality requirements, where applicable.

The project is designed to produce a discharge meeting the effluent requirements as set forth in the Water Quality Regulations of the DRBC.

C. DECISION

I. Effective on the approval date for Docket No. D-2006-020-2 below, Docket No. D-2006-026-1 is terminated and replaced by Docket No. D-2006-020-2.

II. The project and appurtenant facilities as described in the Section A “Physical Features” of this docket are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

a. Docket approval is subject to all conditions, requirements, and limitations imposed by the PADEP in its NPDES permit, and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission’s.

b. The facility and operational records shall be available at all times for inspection by the DRBC.

c. The facility shall be operated at all times to comply with the requirements of the *Water Quality Regulations* of the DRBC.

d. The docket holder shall comply with the requirements contained in the Effluent Tables in Section A.4.d. of this docket. The docket holder shall submit the required monitoring results directly to the DRBC Project Review Section. The monitoring results shall be submitted annually, absent any observed limit violations, by January 31. If a DRBC effluent limit is violated, the docket holder shall submit the result(s) to the DRBC within 30 days of the violation(s) and provide a written explanation that states the action(s) the docket holder has taken to correct the violation(s) and protect against any future violations.

e. Except as otherwise authorized by this docket, if the docket holder seeks relief from any limitation based upon a DRBC water quality standard or minimum treatment requirement, the docket holder shall apply for approval from the Executive Director or for a docket revision in accordance with Section 3.8 of the *Compact* and the *Rules of Practice and Procedure*.

f. If at any time the receiving treatment plant proves unable to produce an effluent that is consistent with the requirements of this docket approval, no further connections shall be permitted until the deficiency is remedied.

g. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.

h. The discharge of wastewater shall not increase the ambient temperatures of the receiving waters by more than 5°F until stream temperatures reach 50°F, nor by more than 2°F when stream temperatures are between 50°F and 58°F, nor shall such discharge result in stream temperatures exceeding 58°F. (Trout Waters only)

i. The docket holder is permitted to treat and discharge wastewaters as set forth in the Area Served section of this docket, which incorporates by reference sections B (Type of Discharge) and D (Service Area) of the docket holder's Application to the extent consistent with all other conditions of this DECISION section.

j. The docket holder shall make wastewater discharge in such a manner as to avoid injury or damage to fish or wildlife and shall avoid any injury to public or private property.

k. No sewer service connections shall be made to newly constructed premises with plumbing fixtures and fittings that do not comply with water conservation performance standards contained in Resolution No. 88-2 (Revision 2).

l. Nothing in this docket approval shall be construed as limiting the authority of DRBC to adopt and apply charges or other fees to this discharge or project.

m. The issuance of this docket approval shall not create any private or proprietary rights in the waters of the Basin, and the Commission reserves the right to amend, suspend or rescind the docket for cause, in order to ensure proper control, use and management of the water resources of the Basin.

n. Prior to allowing connections from any new service areas or any new developments, the docket holder shall either submit and have approved by the Executive Director of the DRBC a Non-Point Source Pollution Control Plan (NPSPCP) in accordance with Section 3.10.3.A.2.e, or receive written confirmation from the Executive Director of the DRBC that the new service area is in compliance with a DRBC approved NPSPCP.

o. A complete application for the renewal of this docket, or a notice of intent to cease the operations (withdrawal, discharge, etc.) approved by this docket by the expiration date, must be submitted to the DRBC at least 12 months prior to the expiration date below (unless permission has been granted by the DRBC for submission at a later date), using the appropriate DRBC application form. In the event that a timely and complete application for renewal has been submitted and the DRBC is unable, through no fault of the docket holder, to reissue the docket before the expiration date below, the terms and conditions of this docket will remain fully effective and enforceable against the docket holder pending the grant or denial of the application for docket approval.

p. The Executive Director may modify or suspend this approval or any condition thereof, or require mitigating measures pending additional review, if in the Executive Director's judgment such modification or suspension is required to protect the water resources of the Basin.

q. Any person who objects to a docket decision by the Commission may request a hearing in accordance with Article 6 of the Rules of Practice and Procedure. In accordance with Section 15.1(p) of the Delaware River Basin Compact, cases and controversies arising under the Compact are reviewable in the United States district courts.

r. The docket holder may request of the Executive Director in writing the substitution of specific conductance for TDS. The request should include information that supports the effluent specific correlation between TDS and specific conductance. Upon review, the Executive Director may modify the docket to allow the substitution of specific conductance for TDS monitoring.

s. Nothing in this docket constitutes a defense to any penalty action for past conduct of the docket holder or ongoing activity not authorized by this approval. In particular, renewal of this docket does not resolve violations – whether in the past or continuing – of provisions of the Delaware River Basin Compact (“Compact”) or any rule, regulation, order or approval duly issued by the Commission or the Executive Director pursuant to the Compact. The Commission reserves its right to take appropriate enforcement action against the docket holder, including but not limited to recovery of financial penalties consistent with Section 14.17 of the Compact, for any and all such prior or continuing violations.

t. The docket holder is prohibited from treating/pre-treating any hydraulic fracturing wastewater from sources in or out of the Basin at this time. Should the docket holder wish to treat/pre-treat hydraulic fracturing wastewater in the future, the docket holder will need to first apply to the Commission to renew this docket and be issued a revised docket allowing such treatment and an expanded service area. Failure to obtain this approval prior to treatment/pre-treatment will result in action by the Commission.

BY THE COMMISSION

DATE APPROVED: July 11, 2012

EXPIRATION DATE: July 11, 2017